



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,437	10/18/2000	Michel K. Susai	1763.0110000	3741

26111 7590 09/22/2004

STERNE, KESSLER, GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

PHAN, TAM T

ART UNIT	PAPER NUMBER
----------	--------------

2144

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

2

Office Action Summary

Application No.

09/690,437

Applicant(s)

SUSAI ET AL.

Examiner

Tam (Jenny) Phan

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04/12/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This application has been examined. Amendment received on 06/14/2004 has been entered. Claims 1-8 are currently amended.
2. Claims 1-8 are presented for examination.

Priority

3. No priority claims have been made.
4. The effective filing date for the subject matter defined in the pending claims in this application is 10/18/2000.

Information Disclosure Statement

5. An initialed and dated copy of Applicant's IDS form 1449, Received on 04/12/2004, is attached to the instant Office action.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Susai et al. (U.S. Patent Number 6,411,986), hereinafter referred to as Susai, in view of Rowe et al. (U.S. Patent No. 5,964,836).
8. Regarding claim 1, Susai disclosed an apparatus comprising means for opening a first connection between a first client and an interface unit (Figure 5, column 2 lines 55-63, column 4 lines 19-25; means for opening a second connection between said interface unit and a server if no

Art Unit: 2144

free connection is open between said interface unit and said server (Figure 5, column 2 lines 55-63, column 4 lines 30-38, column 16 lines 6-8); means for allowing said first client to access information on said server via said second connection (Figure 5, column 4 lines 36-42, column 6 lines 2-5, column 16 lines 9-10); means for opening a third connection between a second and said interface unit (Figures 5 & 8, column 6 lines 13-15, column 9 lines 66-67); and means for allowing said second client to access information on said server via said second connection (Figure 5, column 6 lines 19-26, column 10 lines 19-24, lines 43-45, column 16 lines 18-23).

9. Susai taught the invention substantially as claimed. However, Susai did not expressly teach means for allowing said second client to access information on said server via said second connection *without waiting for said first client to disconnect*.

10. Rowe disclosed an apparatus having means for allowing client to access information on said server via said second connection without waiting for other client to disconnect (column 5 lines 30-33).

11. It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method apparatus of Susai with the teachings of Rowe to include means for allowing client to access information on said server via said second connection without waiting for other client to disconnect in order to provide persistent session between a first client and the server while allowing the second client to access the information from the server (Rowe, column 5 lines 24-33).

12. Regarding claim 2, Susai disclosed an apparatus further comprising means for delinking said first connection and said third connection while keeping open said second connection (Figure 3, column 2 lines 55-63, column 4 lines 42-49).

13. Regarding claim 3, Susai disclosed an apparatus wherein said means for allowing said second client to access information on said server via said second connection is comprised of means for utilizing a content length parameter to determine whether all of said information has been sent to said first client (Figures 6A & 9, column 8 lines 1-4, lines 35-48).

14. Regarding claim 4, Susai disclosed an apparatus wherein said means for allowing said second client to access information on said server via said second connection is comprised of means for utilizing two or more chunk-size fields to determine whether all of said information has been sent to said first client (Figures 6A & 9, column 5 lines 6-20, column 6 lines 44-52).

15. Regarding claims 5-8, the method corresponds directly to the apparatus of claims 1-4, thus these claims are rejected using the same rationale.

16. Since all the limitations of the claimed invention were disclosed by the combination of Susai and Rowe, claims 1-8 are rejected.

Response to Arguments

17. Applicants' arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection.

18. Applicants' response to the application Susai et al. in Amendment filed 06/14/2004, argued "Susai fails to teach or suggest allowing a second client to access information on a server without waiting for the first client to disconnect". It is submitted that this limitation of the claimed invention was disclosed by Rowe et al. as detailed in the above rejection, and Susai et al. is relied upon to combine the means for opening connection between first client and an interface unit, between interface unit and server, and between second client and interface unit. Susai also

Art Unit: 2144

provided means for first and second client to access information on a server via the established connections.

19. As the rejection reads, Examiner asserts that the combination of these teachings render the claimed invention obvious.

Conclusion

20. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

21. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Parsons, Jr. et al. (U.S. Patent No. 6,085,247) titled "Server operating system for supporting multiple client-server sessions and dynamic reconnection of users to previous sessions using different computers" disclosed a server operating system supports multiple client-server sessions and enables a user to begin a session and later dynamically reconnect to that session even if the user uses two different client computers. For example, a user who logs onto the server from a workplace client computer, begins a session, stops the session without terminating it, and subsequently logs on from a home computer. When the user logs on from the first client, the server creates a session that

Art Unit: 2144

utilizes display drivers, keyboard drivers, and the like that are specific to support the particular client computer. The server might also use one type of protocol that is suitable for communicating with the client computer.

b. Sturniolo et al. (U.S. Patent No. 6,201,962) titled "Seamless roaming among multiple networks including seamless transitioning between multiple devices" disclosed a communication system is provided which includes a network backbone; a gateway controller, operatively coupled to the network backbone, for serving as an intermediary for communications between mobile terminals and devices coupled to the network backbone through respective communication sessions; a first mobile terminal operative to establish a communication session with a device coupled to the network backbone through the gateway controller, the first mobile terminal being configured to request selectively that the gateway controller suspend the communication session, and the gateway controller being configured to carry out such request; and the gateway controller being further configured to accept a request from a second mobile terminal and to cause the suspended communication session to be resumed between the device and the second mobile terminal without requiring that the communication session be terminated from the perspective of the device.

c. Elliot et al. (U.S. Patent No. 6,690,654) "Method and system for multi-media collaboration between remote parties" multimedia communication between a client and a server, comprising: receiving a session request from the client via a client computer having web browser software; in response to the session request, commencing a link between the server and the client computer over an internet; communicating a Java applet from the server to the client computer for execution by client computer, wherein the Java applet is executed in a window of the client computer that is separate from the web browser; initiating a communication session between the server and the client computer in response to the executed Java applet; and selectively pushing a first Uniform Resource Locator (URL) from the server to the client computer such that the client computer connects to a first web site using its web browser, as such the communication session and web browser are executed by the client computer in parallel and the client computer can view the first web site without terminating the communication session.

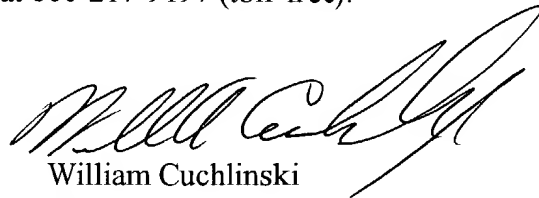
23. Refer to the enclosed PTO-892 for details and complete listing of other pertinent prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tam (Jenny) Phan whose telephone number is (703) 305-4665 or (571) 272-3930 (new telephone number after October 2004). The examiner can normally be reached on M-F 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Cuchlinski can be reached on 703-308-3873. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



William Cuchlinski
SPE
Art Unit 2144
703-308-3873

tp
September 17, 2004